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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHRISTOPHER ORTIZ, JR., an individual,

Case No. 2:23-cv-00554-GMN-EJY

Plaintiff,

vs.

USAA CASUALTY INSURANCE COMPANY, a
foreign corporation; DOE INDIVIDUALS I-X, and
ROE CORPORATIONS I-X, inclusive,

Defendant.

STIPULATION AND ORDER TO EXTEND DISCOVERY (FIRST REQUEST)

Pursuant to LR 6-1 and LR 26-3, the parties, by and through their respective counsel of record, hereby stipulate and request that this Court extend the discovery deadlines by 90 (ninety) days.

In support of this stipulation and request, the parties state as follows:

A. DISCOVERY THAT HAS BEEN COMPLETED

1. On July 10, 2023, the parties conducted an initial FRCP 26(f) conference.
2. On July 18, 2023, Plaintiff served his FRCP 26 Initial Disclosures.
3. On July 18, 2023, Defendant served their FRCP 26 Initial Disclosures.

B. DISCOVERY REMAINING:

1. Plaintiff's supplemental FRCP disclosures;
2. Defendant's supplemental FRCP disclosures;
3. Defendant written discovery requests;
4. Plaintiff written discovery requests;
5. Initial and supplemental expert disclosures;

6. Independent Medical Examination of Plaintiff
7. Deposition of Plaintiff;
8. Deposition of Defendant;
9. Depositions of the parties' lay witnesses;
10. Depositions of the parties' expert witnesses; and
11. Any other potential depositions or written discovery which may become necessary as discovery continues.

C. REASONS REMAINING DISCOVERY CANNOT BE COMPLETED WITHIN THE TIME SET BY PRIOR DISCOVERY PLAN:

The parties have discussed early resolution of this case. Further, the parties have diligently engaged in discovery in this matter, however, due to unforeseen circumstances, the parties believe that an extension of the current discovery deadlines is necessary to complete the remaining discovery. Good cause exists to continue the initial expert disclosure deadlines because one of Plaintiff's experts- Dr. David Oliveri, M.D. has informed Counsel that without an extension, he will not be able to review all the necessary materials, physically examine Plaintiff, and complete a satisfactory report in time for the current disclosure deadline given his other scheduled obligations. However, he has assured Counsel that he will be able to complete his report within the 90 days requested here. Accordingly, Counsel is confident that it will be completed by the proposed adjusted deadline of January 8, 2024. Further the Parties are currently engaged in settlement negotiations, and an extension of the deadlines will provide further opportunities for resolution.

The parties are requesting a 90-day extension of the expert disclosure deadlines in order to allow all experts the necessary time to review materials and produce complete reports on their opinions. No party will be prejudiced by the extension, and the requested extension is made in good faith and not for purposes of delay. Based on the foregoing, the parties respectfully request that the Court grant their joint request to extend the deadline by 90 days in accordance with the requested amended discovery deadlines.

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D. ~~PROPOSED~~ SCHEDULE FOR COMPLETION OF DISCOVERY

Current Discovery Deadlines:

Last day to amend pleadings and add parties	September 8, 2023
Last day to disclose initial experts:	October 9, 2023
Last day to disclose rebuttal experts:	November 8, 2023
Close of Discovery:	December 8, 2023
Last day to file Dispositive Motions:	January 8, 2024

~~Proposed~~ Discovery Deadlines:

Last day to amend pleadings and add parties	Closed
Last day to disclose initial experts:	January 8, 2024
Last day to disclose rebuttal experts:	February 6, 2024
Close of Discovery:	March 7, 2024
Last day to file Dispositive Motions:	April 8, 2024

E. CURRENT TRIAL DATE

A trial date has not been set.

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1 **IT IS SO STIPULATED.**

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3 Dated September 13, 2023.

Dated September 13, 2023.

4 **THE POWELL LAW FIRM**

SPENCER FANE LLP

5 By: /s/ Paul D. Powell
6 Paul D. Powell (7488)
7 Jared D. Powell (15086)
8 Attorneys for Plaintiff

By: /s/ Mary E. Bacon
Mary E. Bacon (12686)
Attorneys for Defendant

9 **ORDER**

10 **IT IS HEREBY ORDERED.**

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12 Dated this 13th day of September, 2023.

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15 **UNITED STATES MAGISTRATE JUDGE**